

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
vs.)) CRIM. NO. 10-00132-CG
LARRY DOUGLAS McPHERSON,)
Defendant.)

ORDER

This matter is before the court on the United States' notice of appeal (Doc. 15) from the Magistrate Judge's order releasing the defendant under conditions pending trial. The court has reviewed the record de novo by carefully reviewing the motion, listening to the recording of the detention hearing held before the Magistrate Judge, reviewing the pretrial services report, and taking into account the statutory presumption. The court agrees with the Magistrate Judge's assessment that there are conditions which will reasonably assure the appearance of the defendant as required and the safety of any other person and the community; however, the court determines that there is an additional requirement, not imposed by the Magistrate Judge's Order, which is necessary to assure the safety of any other person and the community. Because the evidence presented included testimony of books with photographs of nude children possessed by the defendant, that indicates to the undersigned that the defendant's sexual interest in minors extends beyond his sexual interest in his granddaughter. The current release order permits the defendant to live alone, at his home, under the conditions set forth by the Magistrate Judge. This court imposes the additional condition that there must be a third-party custodian living with the defendant, either at the defendant's home or at the third-party custodian's home, in either Mobile or Baldwin County, who will agree to monitor the conditions imposed, including the condition

requiring no contact with minors. Any such third-party custodian must be approved by the court in advance of the defendant's release.

Accordingly, with the additional condition set forth above, the order of the Magistrate Judge releasing the defendant under conditions pending trial is **AFFIRMED**.

DONE and ORDERED this 28th day of June, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE